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## WaterSense® Program: Congressional Authorization

WaterSense is a voluntary labeling program created by the U.S. Environmental Protection Agency (EPA) to encourage the development and use of water-efficient products and services. Through WaterSense, EPA develops water efficiency specifications for products, certain services, and homes; licenses third-party certification bodies; and maintains a registry of WaterSense-labeled products and certified services.

EPA initially established WaterSense in 2006. The 115<sup>th</sup> Congress authorized and expanded WaterSense in America's Water Infrastructure Act of 2018 (AWIA; P.L. 115-270), Section 4306 (42 U.S.C. § 6294b).

Funding levels for WaterSense have remained consistent for several years, notwithstanding the Trump Administration's FY2018 through FY2021 proposals to eliminate such funding. The Biden Administration does not propose an elimination for WaterSense funding in FY2022. FY2021 funding for WaterSense is the same as the FY2020 and FY2019 enacted funding levels, according to the joint explanatory statement that accompanied the Consolidated Appropriations Act, 2021 (P.L. 116-260). A description of the WaterSense program, authorization, and revisions follows.

**Figure 1. WaterSense Labels**



**Source:** EPA.gov.

**Note:** Compiled by CRS.

### Program Design

WaterSense supports voluntary partnerships with service providers, manufacturers, retailers, and other organizations that manufacture, distribute, certify, or promote WaterSense-labeled products, homes, and/or services.

The WaterSense program design is similar to ENERGY STAR, another voluntary labeling program established by EPA in 1992. The Department of Energy and EPA jointly administer ENERGY STAR, which was authorized in the Energy Policy Act of 2005 (P.L. 109-58, § 131). For more information, see CRS In Focus IF10753, *ENERGY STAR Program*, by Corrie E. Clark.

Under WaterSense, EPA establishes water efficiency specifications for products, services, and homes. These specifications also identify which testing protocols should be used to evaluate the product. EPA requires manufacturers, service providers, and home builders who wish to use a WaterSense label to have their products, services, and homes certified that they achieve the water efficiency specification. Third-party organizations provide the certifications. EPA licenses these certification organizations, which must also maintain accreditation from EPA-approved accreditation bodies.

### Products

EPA has issued WaterSense specifications for a variety of products, including residential toilets, showerheads, bathroom faucets, commercial toilets, urinals, irrigation controllers, and spray sprinkler bodies.

To obtain certification to use a WaterSense label, manufacturers must first develop products that meet EPA specifications. EPA states that a water-efficient product should generally (1) reduce water use by at least 20% from federally mandated water-use conservation standards and (2) function at least as well as regular models. For products without federal standards, such as irrigation equipment, WaterSense certifications are based on calculations of average efficiency.

Manufacturers may submit their products to accredited third-party organizations for certification that the products comply with established water efficiency specifications. Once a product is certified, it does not have to be recertified. However, EPA requires certification organizations to conduct annual market surveillance on at least 15% of the models that it has certified for each product category and report the results to EPA.

Manufacturers of WaterSense-labeled products sign a partnership agreement with EPA. In the agreement, EPA expects manufacturers to report the number of WaterSense-labeled products sold annually. EPA uses this data to calculate water and energy savings attributable to the WaterSense programs as well as the return on investment.

EPA's 2018 WaterSense Accomplishments report states that over 30,000 product models have been certified. More than half of these products are faucet models.

### Irrigation Services

EPA issued WaterSense specifications to certify irrigation services in June 2014. To earn a WaterSense certification, irrigation service providers must have specific professional experience and demonstrate their applied knowledge

through a written exam. EPA has developed WaterSense specifications for the following services:

- irrigation system installation and maintenance,
- irrigation system design, and
- irrigation audits.

EPA expects irrigation service providers to renew their WaterSense certification every two years. The agency also expects third-party certifying organizations to report to EPA on the number of certifications issued annually. According to EPA, more than 2,900 service providers have earned the WaterSense certification.

### Homes

Also in June 2014, EPA released the final water efficiency specification for WaterSense homes. The agency requires WaterSense-labeled homes to meet specifications for indoor water use (e.g., plumbing fixtures and fittings and appliances), outdoor water use (e.g., landscape design), and resident or building management education (e.g., operation and maintenance manual for water-using equipment and controls). These specifications are intended to make these homes approximately 20% more water efficient than similar new homes.

Third-party organizations inspect and certify WaterSense-labeled homes. These organizations hire or contract with inspectors who evaluate homes and decide whether a home receives the WaterSense label. WaterSense builders must comply with EPA's partnership agreement that requires them to construct and certify at least one WaterSense-labeled home annually. EPA expects WaterSense builders to annually report to EPA the number of new homes built that earned a WaterSense label.

### Other Partnerships

EPA partners with several other types of organizations to promote and encourage the distribution of WaterSense-labeled products, certified services, and homes. Promotional partners include water utilities, governments, and trade associations that encourage the use of WaterSense products, homes, and services. EPA also partners with retailers and distributors that market, sell, and promote WaterSense-labeled products. EPA expects both partnership types to report annually on their activities to promote or sell WaterSense-labeled products.

### WaterSense Label Costs

Manufacturers and other applicants are responsible for costs associated with WaterSense certification, including testing and inspections. The costs to obtain a WaterSense certification may vary significantly depending on the product, service, or type of home seeking certification. In addition, certification costs for products may be combined with other testing for health and safety compliance.

### Program Authorization and Revisions

AWIA Section 4306 authorized the WaterSense program to identify and promote water efficient products, buildings, landscapes, services, facilities, and processes to conserve water and energy. It also directs EPA to consider whether to review and revise (if necessary) water efficiency specifications adopted before January 1, 2012. These include specifications for lavatory faucets, flushing urinals,

and irrigation controllers. The act requires EPA to consider revising these specifications by December 31, 2019. In April 2020, EPA stated that the agency will not revise such specifications. AWIA further directs EPA to review and, if necessary, revise water efficiency specifications every six years after their adoption or major revision. AWIA did not include an authorization of appropriations for WaterSense.

AWIA specifies categories of products, buildings, landscapes, facilities, processes and services that EPA may include under the program. These include point-of-use water treatment devices; water reuse and recycling technologies; various irrigation, landscaping, and gardening products and technologies; whole-house humidifiers; and water-efficient buildings.

Before AWIA, WaterSense program guidelines did not define a timeline to review water efficiency specifications, although, in the guidelines, EPA reserved the right to revise specifications in response to technological or market changes. Before AWIA, EPA had not revised any WaterSense product specifications. In 2020, EPA determined not to revise product specifications adopted before 2012. EPA has made technical clarifications to the specifications for showerheads and tank-type toilets. However, the national standards for plumbing products have not changed since the specifications were developed over some time.

In October 2018, EPA announced the discontinuation of specifications for commercial pre-rinse spray valves. EPA discontinued this specification because the Department of Energy revised the national standard for commercial pre-rinse spray valves to include the WaterSense efficiency specification.

In 2021, EPA finalized the specification for soil moisture-based irrigation controllers and updated the WaterSense home program.

### Water and Energy Savings

Depending on the product or service type, EPA uses different models to estimate water savings from data provided by their partners. From 2006 to 2019, EPA estimates that the program saved 4.4 trillion gallons of water. EPA also calculates energy savings attributed to WaterSense. EPA estimates that the WaterSense program has saved 522.9 billion kilowatt hours through reduced energy use in all phases of water delivery, use, and disposal.

EPA's Office of Inspector General (OIG) reported on the WaterSense program in August 2017. The 2017 OIG report found that consumers saved \$1,100 for every federal dollar spent on the WaterSense program. OIG found that sufficient internal controls were in place to support the program's water and energy savings claims but that EPA could improve tracking the number of partners working to improve water efficiency. OIG recommended that EPA require WaterSense partners to periodically recommit to the program.

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